



Reprinted
March 3, 2016

ENGROSSED SENATE BILL No. 357

DIGEST OF SB 357 (Updated March 2, 2016 4:31 pm - DI 69)

Citations Affected: IC 5-2.

Synopsis: Registry of convicted child abusers. Defines "crime of child abuse" and requires the division of state court administration (division) to establish an electronic child abuse registry containing information relating to persons convicted of a crime of child abuse. Requires the division to adopt rules to establish a procedure permitting a person erroneously included in the registry to obtain relief.

Effective: July 1, 2016.

**Yoder, Head, Steele,
Randolph Lonnie M, Taylor,
Miller Patricia, Houchin,
Young R Michael, Tomes**

(HOUSE SPONSORS — MORRIS, STEUERWALD, OBER, RIECKEN)

January 11, 2016, read first time and referred to Committee on Judiciary.
January 28, 2016, reported favorably — Do Pass.
February 2, 2016, read second time, ordered engrossed. Engrossed.
February 3, 2016, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Courts and Criminal Code.
February 25, 2016, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 29, 2016, reported — Do Pass.
March 2, 2016, read second time, amended, ordered engrossed.

ES 357—LS 6380/DI 106



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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 357

A BILL FOR AN ACT to amend the Indiana Code concerning
criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-22 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]:

4 **Chapter 22. Child Abuse Registry**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 **(1) "Crime of child abuse" means:**

7 **(A) neglect of a dependent (IC 35-46-1-4) if the dependent**
8 **is a child and the offense is committed under:**

9 **(i) IC 35-46-1-4(a)(1);**

10 **(ii) IC 35-46-1-4(a)(2); or**

11 **(iii) IC 35-46-1-4(a)(3);**

12 **(B) child selling (IC 35-46-1-4(d));**

13 **(C) a sex offense (as defined in IC 11-8-8-5.2) committed**
14 **against a child; or**

15 **(D) battery against a child under:**

16 **(i) IC 35-42-2-1(d)(3) (battery on a child);**

17 **(ii) IC 35-42-2-1(f)(5)(B) (battery causing bodily injury**

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to a child);

(iii) IC 35-42-2-1(i) (battery causing serious bodily injury to a child); or

(iv) IC 35-42-2-1(j) (battery resulting in the death of a child).

The term includes a crime committed in another jurisdiction in which the elements of the crime are substantially similar to a crime described in this section.

(2) "Division" refers to the division of state court administration created under IC 33-24-6-1(b)(2).

(3) "Registry" means the child abuse registry established under section 2 of this chapter.

Sec. 2. Not later than July 1, 2017, the division shall establish and maintain a child abuse registry.

Sec. 3. The registry must contain:

(1) the name;

(2) the age;

(3) the last known city of residence;

(4) a photograph, if available;

(5) a description of the crime of child abuse conviction; and

(6) any other identifying information, as determined by the division;

of every person convicted of a crime of child abuse.

Sec. 4. The division shall obtain data for publication on the registry from:

(1) criminal history data maintained by the state police department under IC 10-13-3, except for data whose publication is prohibited by federal law;

(2) information reported to the division by the department of correction; and

(3) information obtained by the division from another governmental entity, if, in the opinion of the division, the information is credible and reliable.

Sec. 5. (a) The division shall publish the registry on the division's Internet web site. The registry must be searchable and available to the public.

(b) The division shall ensure that the registry is updated at least one (1) time every thirty (30) days.

(c) The division shall ensure that the registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been



1 convicted of a crime of child abuse. However, information on
2 the registry may not be complete.".

3 Sec. 6. (a) The division may adopt rules to implement this
4 chapter.

5 (b) The division shall adopt rules to establish a procedure
6 permitting a person whose name is erroneously included in the
7 registry to obtain relief.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 357, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 357 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 357 as printed January 29, 2016.)

WASHBURN

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to ES0357 as printed February 26, 2016.)

BROWN T

Committee Vote: Yeas 23, Nays 0



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 357 be amended to read as follows:

Page 1, line 1, delete "IC 10-13-9" and insert "IC 5-2-22".

Page 1, line 4, delete "9." and insert "**22.**".

Page 2, between lines 8 and 9, begin a new line block indented and insert:

"(2) "Division" refers to the division of state court administration created under IC 33-24-6-1(b)(2)."

Page 2, line 9, delete "(2)" and insert "**(3)**".

Page 2, line 11, delete "January" and insert "**July**".

Page 2, line 11, delete "department" and insert "**division**".

Page 2, line 20, delete "department;" and insert "**division;**".

Page 2, line 22, delete "department" and insert "**division**".

Page 2, line 24, after "the" insert "**state police**".

Page 2, line 27, delete "to the department" and insert "**to the division**".

Page 2, line 29, delete "department" and insert "**division**".

Page 2, line 30, delete "department," and insert "**division,**".

Page 2, line 32, delete "department" and insert "**division**".

Page 2, line 33, delete "department's" and insert "**division's**".

Page 2, line 35, delete "department" and insert "**division**".

Page 2, line 37, delete "department" and insert "**division**".

Page 3, line 1, delete "department" and insert "**division**".

Page 3, line 1, delete "under IC 4-22-2".

Page 3, line 3, delete "department" and insert "**division**".

Page 3, line 3, delete "under IC 4-22-2".

(Reference is to ESB 357 as printed February 29, 2016.)

OBER

